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**FACSIMILE TRANSMITTAL SHEET**

TO: ART UNIT 3721 BEFORE FINAL COMMUNICATIONS FROM: Roger J. French  
rj french@beemlaw.com

COMPANY: U.S. PATENT &  
TRADEMARK OFFICE

DATE: March 9, 2005

**FAX NUMBER: 703-872-9306**

TOTAL NO. OF PAGES INCLUDING  
COVER: 4

PHONE NUMBER: 571-272-4464

RE: Application Serial No. 10/653,038  
Atty Docket No. 13819.71

**NOTES/COMMENTS:**

Application Serial No: 10/653,038

**Title of Invention: Carriage Strip Advancing Mechanism For Fastener Driving Tool**

Inventors: **Michael S. POPOVICH et al.**

## Contents:

**Transmittal Form (1 pg)**

### Request for Clarification (2 pgs)

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PTO/SB/21 (09-04)

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FORM

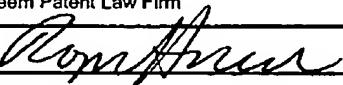
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|  |                      |                             |
|--|----------------------|-----------------------------|
|  | Application Number   | 10/653,038                  |
|  | Filing Date          | August 29, 2003             |
|  | First Named Inventor | Michael S. Popovich, et al. |
|  | Art Unit             | 3721                        |
|  | Examiner Name        | Michelle Lopez              |
| Total Number of Pages in This Submission | 4                    | Attorney Docket Number      |

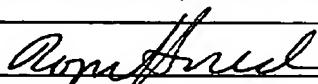
| ENCLOSURES (Check all that apply)  |  |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Facsimile Transmittal Form<br>Request for Clarification |
| Remarks  |  |  |

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| Firm Name    | Beem Patent Law Firm  |          |        |
| Signature    |  |          |        |
| Printed name | Roger J. French   |          |        |
| Date         | March 9, 2005   | Reg. No. | 27,786 |

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| Signature             |  |      |               |
| Typed or printed name | Roger J. French   | Date | March 9, 2005 |

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Mar 09 05 04:03p

Richard P. Beer

312-201-0022

p.3

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**PATENT**  
**ATTY DOCKET NO. 13819.71**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|              |                            |   |   |
|--------------|----------------------------|---|---|
| Inventors:   | Michael S. Popovich et al. | ) | Certificate of Transmission                                       |
| )            |                            |   | I hereby certify that this correspondence is being facsimile      |
| Title:       | Cartridge Strip Advancing  | ) | transmitted to the United States Patent and Trademark Office, fax |
| )            |                            |   | number 703-872-9306 on the date indicated below.                  |
| )            |                            |   | Signed: <u>Roger J. French</u>                                    |
| Serial No:   | 10/653,038                 | ) | Roger J. French   |
| )            |                            |   | Dated: March 9, 2005  |
| Confirm. No: | 1541                       | ) |   |
| Filing Date: | August 29, 2003            | ) |   |
| Group:       | 3721                       | ) |   |

Examiner: Michelle Lopez

703-872-9306  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CLARIFICATION**

Applicant requests clarification of the Office action mailed 02/24/2005. Specifically, clarification is requested regarding the nonstatutory double patenting rejection under the judicially created doctrine of obviousness-type double patenting. In this rejection, the Examiner cites claims of U.S. patent number 6,547,120 "in view of Popovich et al." It is not clear to Applicant, to what document the Examiner is referring as "Popovich et al. Nor does the Examiner mention "Popovich et al." in the remainder of the statement of rejection. It is noted that at least two references of record appear as "Popovich et al.", namely, U.S. patent number 6,059,162 and European patent 1,197,301.

In addition, the Examiner cites in the statement of rejection claims 1-3, 5, 11-14 and 17-18 of U.S. patent number 6,547,120. However, the statement of the grounds of rejection which follow refer only to claim 1 of this patent.

S/N 10/653,038  
AMENDMENT

ATTY DOCKET NO. 13819.71

It is respectfully requested that the Examiner clarify a) what document is being referred to as "Popovich et al.", b) in what manner this document is being applied in the double patenting rejection, and c) in what manner claims 3, 5, 11-14 and 17-18 of US patent number 6,547,120 are being applied in the double patenting rejection.

It is further requested that the Examiner issue a new office action clarifying the foregoing, and starting a new period for response.

Respectfully submitted,

Dated this 9th day of March, 2005.

  
\_\_\_\_\_  
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